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Dated: April 5, 2007

Signature: 

(William A. Dibilanca)

Docket No.: SPINE 3.0-437 CIPCIPCIPCIPCIPCON IV  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Errico et al.

Application No.: 10/784,628

Group Art Unit: 3733

Filed: February 23, 2004

Examiner: Not Yet Assigned

For: INSTRUMENTATION FOR INSERTING AND  
IMPACTING AN ARTIFICIAL  
INTERVERTEBRAL DISC IN AN  
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MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT &  
REQUEST FOR CONSIDERATION OF INFORMATION UNDER 37 CFR § 1.97 (C)**

Dear Sir:

It is respectfully requested that the reference(s) listed on the enclosed form be made of record and considered with respect to the above-referenced U.S. patent application. A copy of each reference which is not a U.S. patent or patent application is enclosed. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited reference(s) is/are legally available prior art or that the same is/are pertinent or material.


It is respectfully requested that the references cited in the enclosed form be considered pursuant to 37 C.F.R. § 1.97(c). Please charge deposit account No. 12-1095 in the amount of \$180.00 pursuant to 37 C.F.R. § 1.17(p). In the event that any additional fee is due in connection with the present request, the same should be charged to our deposit account No. 12-1095.

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In the event that any additional fee is due in connection with the present Information Disclosure Statement, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Dated: April 5, 2007

Respectfully submitted,

By   
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PTO/SB/08A/B (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

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<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/784,628-Conf. #8401
				Filing Date	February 23, 2004
				First Named Inventor	Joseph P. Errico
				Art Unit	3733
				Examiner Name	J. Cumberledge
Sheet	1	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIPCIPCON IV

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA*	US-2001/0010001-A1	04-29-2003	Michelson	
	AB*	US-2001/0016773-A1	08-23-2001	Serhan et al.	
	AC*	US-2001/0020170-A1	09-06-2001	Zucherman et al.	
	AD*	US-2002/0062131-A1	05-23-2002	Gallo, Sr.	
	AE*	US-2002/0082695-A1	06-27-2002	Neumann	
	AF*	US-2002/0099377	07-25-2002	Zucherman, et al.	
	AG*	US-2002/0111681-A1	08-15-2002	Ralph et al.	
	AH*	US-2002/0111682-A1	08-15-2002	Ralph et al.	
	AI*	US-2002/0111684	08-15-2002	Ralph, et al.	
	AJ*	US-2002/0111685-A1	08-15-2002	Ralph et al.	
	AK*	US-2002/0116009	08-22-2002	Fraser et al.	
	AL*	US-2002/0161375-A1	10-31-2002	Ralph et al.	
	AM*	US-2002/0188295-A1	12-12-2002	Martz et al.	
	AN*	US-2003/0014057-A1	01-16-2003	Ralph et al.	
	AO*	US-2003/0014109-A1	01-16-2003	Ralph et al.	
	AP*	US-2003/0014110-A1	01-16-2003	Ralph et al.	
	AQ*	US-2003/0014112-A1	01-16-2003	Ralph et al.	
	AR*	US-2003/0014113-A1	01-16-2003	Ralph et al.	
	AS*	US-2003/0014114-A1	01-16-2003	Ralph et al.	
	AT*	US-2003/0014115-A1	01-16-2003	Ralph et al.	
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	AV*	US-2003/0023245-A1	01-30-2003	Ralph et al.	
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	AX*	US-2003/0023310-A1	01-30-2003	Ralph et al.	
	AY*	US-2003/0028197-A1	02-06-2003	Hanson et al.	
	AZ*	US-2003/0028249-A1	02-06-2003	Baccelli et al.	
	AA1*	US-2003/0028252-A1	02-06-2003	Ralph et al.	
	AB1*	US-2003/0040801-A1	02-27-2003	Ralph et al.	
	AC1*	US-2003/0055503-A1	03-20-2003	O'Neil	
	AD1*	US-2003/0065395-A1	04-03-2003	Ralph et al.	
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	AI1*	US-2003/0083747	05-01-2003	Winterbottom, et al.	
	AJ1*	US-2003/0100951-A1	05-29-2003	Serhan et al.	
	AK1*	US-2003/0135278-A1	07-17-2003	Eckman	
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Examiner Signature		Date Considered	
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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/784,628-Conf. #8401
				Filing Date	February 23, 2004
				First Named Inventor	Joseph P. Errico
				Art Unit	3733
				Examiner Name	J. Cumberledge
Sheet	2	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIPCIPCON IV

	AS1*	US-2003/0229358-A1	12-11-2003	Errico et al.	
	AT1*	US-2003/0233145	12-18-2003	Landry et al.	
	AU1*	US-2004/0024406-A1	02-05-2004	Ralph et al.	
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	AX1*	US-2004/0034426-A1	02-19-2004	Errico et al.	
	AY1*	US-2004/0078079-A1	04-22-2004	Foley	
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	AA2*	US-2004/0215198-A1	10-28-2004	Marnay et al.	
	AB2*	US-2004/0220582	11-04-2004	Keller	
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Examiner Signature		Date Considered	
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				Filing Date	February 23, 2004
				First Named Inventor	Joseph P. Errico
				Art Unit	3733
				Examiner Name	J. Cumberledge
Sheet	3	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIPCIPCON IV

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	AP3*	US-6,156,067	12-05-2000	BRYAN et al.	
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	AW3*	US-6,261,293	07-17-2001	Nicholson et al.	
	AX3*	US-6,280,458	08-28-2001	Boche, et al.	
	AY3*	US-6,319,257	11-20-2001	Carignan et al.	
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	AB4*	US-6,416,551	07-09-2002	Keller	
	AC4*	US-6,428,544	08-06-2002	Ralph et al.	
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	AG4*	US-6,478,800	11-12-2002	Fraser et al.	
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	AI4*	US-6,517,580	02-11-2003	Ramadan et al.	
	AJ4*	US-6,527,786	03-04-2003	Davis et al.	
	AK4*	US-6,554,864	04-29-2003	Ralph et al.	
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	AN4*	US-6,582,466	06-24-2003	Gauchet	
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	AS4*	US-6,623,525	09-23-2003	Ralph et al.	
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	AX4*	US-6,669,699	12-30-2003	Ralph et al.	
	AY4*	US-6,673,113	01-06-2004	Ralph et al.	
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	AA5*	US-6,875,213-A1	04-05-2005	Michelson	
	AB5*	US-6,918,934	07-19-2005	Ralph et al.	
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	AD5*	US-6,981,990	01-03-2006	Keller et al.	
	AE5*	US-7,022,139	04-04-2006	Errico et al.	
	AF5*	US-7,118,579	10-10-2006	Michelson	

FOREIGN PATENT DOCUMENTS				
Examiner	Foreign Patent Document	Publication	Pages, Columns, Lines,	

Examiner Signature	Date Considered
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				Examiner Name	J. Cumberledge	
Sheet	4	of	4	Attorney Docket Number		SPINE 3.0-437 CIPCIPCIPCIPCIPCON IV

Initials*	Cite No. <sup>1</sup>	Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	BA	WO-01/62191-A2	08-30-2001	SDGI Holdings, Inc.		
	BB	WO-94/04100-A1	03-03-1994	Societe De Fabrication De Material Orthopedique - Sofamor		
	BC	EP-1 222 903-A1	01-12-2001	Waldemar Link (GmbH & Co.)		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

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